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18   **UNITED STATES DISTRICT COURT**
                    DISTRICT OF NEVADA
19

20
ORACLE USA, INC., a Colorado corporation;
21 ORACLE AMERICA, INC. a Delaware
corporation; and ORACLE INTERNATIONAL
22 CORPORATION, a California corporation,

23   Plaintiffs,
         v.
24
RIMINI STREET, INC., a Nevada corporation;
25 SETH RAVIN, an individual,

26   Defendants.

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Case No. 2:10-cv-00106-LRH-PAL

**PLAINTIFFS ORACLE'S MOTION TO
SEAL THEIR TRIAL BRIEF**

Judge: Hon. Larry R. Hicks

Case No. 2:10-cv-00106-LRH-PAL

1   Pursuant to the Stipulated Protective Order governing confidentiality of documents

2 entered by the Court on May 21, 2010, Dkt. 55 ("Protective Order"), and Rules 5.2 and 26(c) of

3 the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and

4 Oracle International Corporation (together "Oracle" or "Plaintiffs") respectfully request that the

5 Court order the Clerk of the Court to file under seal an unredacted copy of Oracle's Oracle's

6 Trial Brief. An unredacted copy of the Trial Brief was lodged under seal with the Court on

7 September 9, 2015.

8   Sealing of the Trial Brief is requested because the redacted portions of it contain

9 information that Rimini Street, Inc. and Seth Ravin (collectively the "Defendants") have

10 designated as "Confidential Information" and "Highly Confidential Information – Attorneys'

11 Eyes Only" under the terms of the Protective Order. The Protective Order states, "Counsel for

12 any Designating Party may designate any Discovery Material as 'Confidential Information' and

13 'Highly Confidential Information – Attorneys' Eyes Only' under the terms of this Protective

14 Order only if such counsel in good faith believes that such Discovery Material contains such

15 information and is subject to protection under Federal Rule of Civil Procedure 26(c). The

16 designation by any Designating Party of any Discovery Material as 'Confidential Information' or

17 'Highly Confidential Information – Attorneys' Eyes Only' shall constitute a representation that

18 an attorney for the Designating Party reasonably believes there is a valid basis for such

19 designation." Protective Order ¶ 2.

20   For sealing requests relating to non-dispositive motions, such as this, the presumption of

21 public access to court filings may be overcome by a showing of good cause under Rule 26(c).

22 *See Pintos v. Pacific Creditors Ass'n,* 605 F.3d 665, 678 (9th Cir. 2010); *Kamakana v. Honolulu*,

23 447 F.3d 1172, 1179 (9th Cir. 2006). Defendants have identified the information redacted in the

24 Trial Brief as Confidential and Highly Confidential, and therefore Defendants have represented

25 that good cause exists for sealing those portions of the documents. This is a sufficient showing

26 of good cause to permit a sealing order on a non-dispositive motion. *See, e.g.*, *Pac. Gas & Elec.*

27 *Co. v. Lynch*, 216 F. Supp. 2d 1016, 1027 (N.D. Cal. 2002).

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PLAINTIFFS ORACLE'S MOTION TO SEAL THEIR TRIAL BRIEF

<u>DOCUMENTS DESIGNATED AS CONFIDENTIAL</u>
<u>OR HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY</u>

Defendants have designated the following materials cited or referred to in Oracle's Trial

Brief as Confidential or Highly Confidential – Attorneys' Eyes Only:

TRIAL EX. NO.	DESCRIPTION	CONF. DESIGN.
	Expert Report of Scott D. Hampton.	Highly Confidential (by Rimini)
PTX_0001	Email from Ravin to Chiu, Subject: Re: Orbitz 6.0.1 + 6.0.1.310 patch software available for download from Siebel FTP, bates labeled RSI02618681-RSI02618684	Highly Confidential (by Rimini)
PTX_0003	Rimini Street, Inc. First-Round Investment Funding Opportunity Summary, bates labeled RSI00013001-RSI00013002	Highly Confidential (by Rimini)
PTX_0004	Email chain from Dennis Chiu to Seth Ravin Subject: Re: Susan's Work Plan, bates labeled RSI02518800-RSI02518804	Highly Confidential (by Rimini)
PTX_0005	Email chain from Dennis Chiu to Seth Ravin Subject: Re: Susan's Work Plan, bates labeled RSI02518800-RSI02518804	Highly Confidential (by Rimini)
PTX_0007	Email from Whittenbarger to Slarve, Subject: Re: Support Web Extract Admin Guide - Final, bates labeled RSI00812295-RSI00812296	Highly Confidential (by Rimini)
PTX_0010	Email from Baron to Chiu re Updates and Fixes Download - - Larger Test Successful, bates labeled RSI02626309-RSI02626311	Highly Confidential (by Rimini)
PTX_0011	Email from Lester to Chiu, Subject: Re: Welcome to Rimini Streetl, bates labeled RSI02123318-RSI02123320	Highly Confidential (by Rimini)
PTX_0013	Email from Baron to Chiu (ccing G Lester), Subject: Re: PeopleTools 8.22 PeopleBooks CD, bates labeled RSI02626680-RSI02626683	Highly Confidential (by Rimini)
PTX_0015	Email from Chiu to Hughes ect: Re: Moraine Park Technical College, bates labeled RSI02046869-RSI02046874	Highly Confidential (by Rimini)
PTX_0016	Email from Chiu to G Lester, Subject: Moraine Park Technical College, bates labeled RSI02131586-RSI02131586	Highly Confidential (by Rimini)
PTX_0017	Email from Dennis Chiu to George Lester copied to Beth Lester Subject: Notes from Kick off Call with Correctional Medical Svc, bates labeled RSI02548329-RSI02548330	Highly Confidential (by Rimini)

1	PTX_0020	Email from Chiu to Lester copied to Ravin, Davivhick re Updated Terms of Uses verbiage in CC, bates labeled RSI06666462-RSI06666465	Confidential (by Rimini)
2	PTX_0022	Email chain from Dennis Chiu to Seth Ravin copied to George Lester, Thomas Shay Subject: Re: Fw: Authorization to download [City of Eugene], bates labeled RSI00771937-RSI00771941	Highly Confidential (by Rimini)
3	PTX_0023	Email from Rich Hughes to Seth Ravin re PeopleSoft Consulting Services, bates labeled RSI03232687-RSI03232701	Highly Confidential (by Rimini)
4	PTX_0027	Email chain from Dennis Chiu to Seth Ravin copied to George Lester, Thomas Shay Subject: Re: GMAC Archives, bates labeled RSI02404023-RSI02404024	Highly Confidential (by Rimini)
5	PTX_0029	Email from Ravin to Metcalf, Subject: Re: Abilene ISD Proposal Question, bates labeled RSI03209167-RSI03209167	Highly Confidential (by Rimini)
6	PTX_0030	Email from Ravin to Charnock, Subject: Re: Checking In, bates labeled RSI03234802-RSI03234804	Highly Confidential (by Rimini)
7	PTX_0031	Email from Davichick to Carter Subject: RE: FW: Urgent Oracle Renewal!!!!!!!!!!!!!!, bates labeled RSI03272123-RSI03272159	Highly Confidential (by Rimini)
8	PTX_0033	Email from Chiu to Davichick cc Slepko, Subject: Fw: Rimini Street Onboarding: Medtronic, Inc., Attachments: Medtronic, Inc. - JDE Product Listing.xls, bates labeled RSI03312378-RSI03312385	Highly Confidential (by Rimini)
9	PTX_0034	Email from Corpuz to Baron, Subject: Re: Quick JDE Question, bates labeled RSI00463011-RSI00463011	Highly Confidential (by Rimini)
10	PTX_0035	Email from Ravin to Davichick, Subject: Re: Fw: RiminiStreet Contract- first redline version, Attachments: Rimini Street.DOC, bates labeled RSI03001396-RSI03001413	Highly Confidential (by Rimini)
11	PTX_0036	Email from Michael Davichick to Jim Ward Subject: Re: RiminiStreet Contract- First redline version, bates labeled WENDYS-SUB00129-WENDYS-SUB00131	Confidential (by Rimini)
12	PTX_0037	Email from Whittenbarger to Chiu, Subject: Re: Fw: Harlequin Metalink3 Archive & Customer Connection to retire Nov 08, bates labeled RSI00843912-RSI00843920	Highly Confidential (by Rimini)
13	PTX_0038	Email from Chiu to Baron cc: Corpuz, Subject: Re: Harlequin, bates labeled RSI00343896-RSI00343900	Highly Confidential (by Rimini)
14	PTX_0040	Re: HCM100268 status update, bates labeled RSI03374594-RSI03374599	Highly Confidential (by Rimini)
15	PTX_0041	Email from Tahtaras to Radtke, Subject: Re Dev Environment Confusion (As Listed on the Intranet), bates labeled RSI03376355-RSI03376358	Highly Confidential (by Rimini)

Case No. 2:10-cv-00106-LRH-PAL

PLAINTIFFS ORACLE'S MOTION TO SEAL THEIR TRIAL BRIEF

1 2 3	PTX_0042	Email from Whittenbarger to Chiu et al., Re: P3 - General Inquiry case #00003908 for XO Communications has been assigned to Dennis Chiu, bates labeled RSI01041045-RSI01041046	Highly Confidential (by Rimini)
4	PTX_0043	Email from Whittenbarger to suresh.k.karnala@xo.com Re: FW: Customer Communication SECOND NOTICE - XO Communications , bates labeled RSI00832449-RSI00832451	Highly Confidential (by Rimini)
5 6	PTX_0053	Email from Limburg to Williams Subject: Fw: VM Installation , bates labeled RSI04083749-RSI04083750	Confidential (by Rimini)
7	PTX_0056	Email from Davichick to Seigel and Cabada Re Changes requested to CKE Agreement, bates labeled RSI03258880-RSI03258882	Highly Confidential (by Rimini)
8 9	PTX_0057	Email from Williams to Chiu, Subject: Re: Build Priority List, bates labeled RSI01043833-RSI01043842	Highly Confidential (by Rimini)
10 11	PTX_0059	Email from Chiu to Cabada, Subject: RE: Voice Message, bates labeled RSI02125339-RSI02125346	Highly Confidential (by Rimini)
12 13	PTX_0060	Email from Freeman to Benge et al, Re: Fw: Big Lots - environment issue, bates labeled RSI02229020-RSI02229024	Highly Confidential (by Rimini)
14	PTX_0063	Email from Williams to Chiu, Subject: Re: old software folder, bates labeled RSI01990917-RSI01990918	Highly Confidential (by Rimini)
15 16	PTX_0064	Email from Freeman to Williams Subject: Re: Tools and base app CD's no longer available on //rsi-clsv01\shares\client_software\PeopleSoft, bates labeled RSI03784117-RSI03784120	Highly Confidential (by Rimini)
17 18	PTX_0065	Email from Chris Limburg to Jon Royse copied to Ed Freeman Subject: B&L, bates labeled RSI04026526-RSI04026526	Confidential (by Rimini)
19 20	PTX_0310	Email from Whittenbarger to Karnala Re: XO issue and trouble shot, bates labeled RSI00833774-RSI00833775	Highly Confidential (by Rimini)
21	PTX_2152	Email from Beth Lester to Dennis Chiu Re: Moraine Park Technical College, bates labeled RSI02237456-RSI02237458	Highly Confidential (by Rimini)
22 23	PTX_4896	Email from Seth Ravin to Kasey Young copied to Brian O'Malley, Michael Brown Subject: RE: Rimini Street - Series A, bates labeled RSI00015016-RSI00015077	Highly Confidential (by Rimini)
24 25	PTX_4937	Email from R. Gaston to M. Davichick RE: Follow Up - Resources, bates labeled RSI03343827-RSI03343828	Highly Confidential (by Rimini)

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PLAINTIFFS ORACLE'S MOTION TO SEAL THEIR TRIAL BRIEF

1   For the foregoing reasons, Oracle respectfully requests that the Court find that good cause

2 exists to file under seal the unredacted copy of the Trial Brief, and to issue an order sealing the

3 same.

4 DATED: September 9, 2015   BOIES SCHILLER & FLEXNER LLP

5

6   By: /s/ *Kieran P. Ringgenberg*

7   Kieran P. Ringgenberg
                                               Attorneys for Plaintiffs
8   Oracle USA, Inc., Oracle America, Inc.,
                                               and Oracle International Corp.
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<u>CERTIFICATE OF SERVICE</u>

I hereby certify that on the 9th day of September, 2015, I electronically transmitted the

foregoing **PLAINTIFFS ORACLE'S MOTION TO SEAL THEIR TRIAL BRIEF** to the

Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic

Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

/s/ *Kieran P. Ringgenberg*

An employee of Boies, Schiller & Flexner LLP

Case No. 2:10-cv-00106-LRH-PAL

CERTIFICATE OF SERVICE